



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,510	02/10/2004	Yuan-Yao Shen	MR2723-354	8699

4586 7590 03/06/2006

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

TOWA, RENE T

ART UNIT PAPER NUMBER

3736

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,510	<b>Applicant(s)</b> SHEN, YUAN-YAO	
	<b>Examiner</b> Rene Towa	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of the following reasons:

In figure 4, reference numeral "52" should apparently refer to a --receiving circuit- rather than a "mobile phone circuit" as depicted in the drawings as per page 7, at line 22 of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1-14 are objected to because of the following informalities:

Art Unit: 3736

In regards to claims 1-14, at line 1, the limitation "type" appears to render the claims indefinite. It is unclear whether or not the physiological function detecting system is an earphone.

In regards to claim 2, at line 3, "a MP3" should apparently read --an MP3--.

In regards to claim 3, at line 6, the limitation "said mobile phone" lacks antecedent basis and should apparently read --a mobile phone--.

In regards to claim 6, at line 6, the limitation "said MP3" lacks antecedent basis and should apparently read --an MP3--.

In regards to claim 9, at line 6, the limitation "said CD walkman" lacks antecedent basis and should apparently read --a CD Walkman--.

In regards to claim 10, at line 2, the limitations "claim 10" causes the claim to refer to itself and should apparently read --claim 9--.

In regards to claim 12, at lines 5-6, the limitation "said radio" lacks antecedent basis and should apparently read --a radio--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3736

4. Claims 1-2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al. (US Patent No. 6,078,829).

In regards to claim 1, Uchida et al. disclose an earphone-type physiological function detecting system 1, which is capable of attaching a physiological function detecting unit (5, 6) into a portable electronic product (9, 10) for a user to detect his physiological functions anytime and anywhere, and displays, alarms, stores, and transmits a detected result to a far end by said portable electronic product (9, 10) (see figs. 1 & 4; see Abstract; column 5/lines 37-42).

In regards to claim 2, Uchida et al. disclose an earphone-type physiological function detecting system 1 wherein said portable electronic product is a CD walkman (see column 5/lines 45-48).

In regards to claim 9, Uchida et al. disclose an earphone-type physiological function detecting system 1, comprising:

a detecting unit 6 with a detecting sensor module and a signal converting module combined therein, in which said signal converting module is capable of receiving a physiological function signal from said detecting sensor module 6, capable of converting said signal into a CD walkman receivable signal, and capable of transmitting said signal to said CD walkman via a wired way 7;

said CD walkman (9, 10) comprising:

a control interface 14 connecting with a receiving circuit, capable of transmitting a control signal to said receiving circuit and of controlling each input/output module action accordingly;

Art Unit: 3736

a receiving circuit 10 capable of receiving signals from said signal converting module and said control interface 14, capable of identifying said signals (i.e. through biological information arithmetic unit 12), and of transmitting said signals to each output module (8, 9) to be executed;

a display module 9 capable of receiving physiological function signals from said receiving circuit 10 and displaying said signals;

a memory module 13 capable of receiving physiological function signals from said receiving circuit 10 for storing said signals; and

a speaker 8 capable of receiving signals from said receiving circuit 10 and ringing as an alarm for reminding that detected physiological function signals exceed standard values (see fig. 4; column 4/lines 44-46 & 61-62; column 5/lines 5-24, 37-42 & 45-58).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. ('829) in view of Ali et al. (US Patent No. 6,770,028).

In regards to claim 9, Uchida et al. disclose an earphone-type physiological function detecting system 1, as described above, that teaches all the limitations of the claim except Uchida et al. do not disclose a push button. However, Ali et al. disclose a physiological function detecting system 610 comprising a push button 1120 disposed on

Art Unit: 3736

a panel (see fig. 11A). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a function detecting system similar to that of Uchida et al. with a docking system comprising a push button similar to that of Ali et al. in order to releasably connect a portable device through a docking station with the function detecting system (see Ali et al., column 15, at lines 49-55).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. ('829) in view of Bye et al. (US Patent No. 6,647,345).

In regards to claim 9, Uchida et al. disclose an earphone-type physiological function detecting system 1, as described above, that teaches all the limitations of the claim except Uchida et al. do not disclose a detecting unit that is insertable into a slot. However, Bye et al. discloses a detecting unit 2 that is disposed apart from a portable electronic device 20 and said detecting unit 2 is insertable into slot 34 (see fig. 1). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide an earphone-type physiological function detecting system similar to that of Uchida et al. with a detecting unit similar to that of Bye et al. in order to releasably exchange the type of detecting unit (i.e. with different types of sensors).

8. Claims 3, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. ('829) in view of Johansen et al. (US Patent Application Publication No. 2003/0070485).

Uchida et al. disclose an earphone-type physiological function detecting system 1, comprising:

a detecting unit 6 with a detecting sensor module and a signal converting module combined therein, in which said signal converting module is capable of receiving a physiological function signal from said detecting sensor module 6, capable of converting said signal into a portable electronic device receivable signal, and capable of transmitting said signal to said portable device via a wired way 7;

said portable electronic device (9, 10) comprising:

a control interface 14 connecting with a receiving circuit, capable of transmitting a control signal to said receiving circuit and of controlling each input/output module action accordingly;

a receiving circuit 10 capable of receiving signals from said signal converting module and said control interface 14, capable of identifying said signals (i.e. through biological information arithmetic unit 12), and of transmitting said signals to each output module (8, 9) to be executed;

a display module 9 capable of receiving physiological function signals from said receiving circuit 10 and displaying said signals;

a memory module 13 capable of receiving physiological function signals from said receiving circuit 10 for storing said signals; and

a speaker 8 capable of receiving signals from said receiving circuit 10 and ringing as an alarm for reminding that detected physiological function signals exceed standard values (see fig. 4; column 4/lines 44-46 & 61-62; column 5/lines 5-24, 37-42 & 45-58).

Uchida et al. do not specifically disclose that their earphone-type physiological function detecting system is attachable to a mobile phone, an MP3 or a radio. However,



Art Unit: 3736

Johansen et al. disclose physiological function detecting system wherein the portable electronic device is one of a mobile phone, an MP3 and a radio (see par 0018, at lines 3-9). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a earphone-type physiological function detecting system similar to that of Uchida et al. with a portable electronic device similar to that of Johansen et al. since it is well known in the art to interchange portable electronic devices that include a microprocessor.

9. Claims 4, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. ('829) in view of Johansen et al. ('485) further in view of Ali et al. ('028).

Uchida et al. as modified by Johansen et al. disclose an earphone-type physiological function detecting system 1, as described above in claims 3, 6 and 12 respectively, that teaches all the limitations of the claim except Uchida et al. as modified by Johansen et al. do not disclose a push button. However, Ali et al. disclose a physiological function detecting system 610 comprising a push button 1120 disposed on a panel (see fig. 11A). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide a function detecting system similar to that of Uchida et al. as modified by Johansen et al. with a docking system comprising a push button similar to that of Ali et al. in order to releasably connect a portable device through a docking station with the function detecting system (see Ali et al., column 15, at lines 49-55).

Art Unit: 3736

10. Claims 5, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. ('829) in view of Johansen et al. ('485) further in view of bye et al. ('345).

Uchida et al. as modified by Jóhansen et al. disclose an earphone-type physiological function detecting system 1, as described above in claims 3, 6 and 12 respectively, that teaches all the limitations of the claim except Uchida et al. as modified by Johansen et al. do not disclose a detecting unit that is insertable into a slot. However, Bye et al. discloses a detecting unit 2 that is disposed apart from a portable electronic device 20 and said detecting unit 2 is insertable into slot 34 (see fig. 1). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to provide an earphone-type physiological function detecting system similar to that of Uchida et al. as modified by Johansen et al. with a detecting unit similar to that of Bye et al. in order to releasably exchange the type of detecting unit (i.e. with different types of sensors).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application No. 2003/0149344 to Nizan discloses applications of the biofeedback technique and cardio vascular monitoring.

US Patent No. 6,903,657 to Kwoen discloses a system and method of performing medical diagnosis in real time.

US Patent No. 6,478,736 to Mault discloses an integrated calorie management system.

US Patent No. 6,610,012 to Mault discloses a system and method for remote pregnancy monitoring.

US Patent No. 5,673,692 to Schulze et al. discloses a single site, multi-variable patient monitor.

US Patent No. 6,309,342 to Blazey et al. discloses a management of physiological and psychological state of an individual using images biometric analyzer.

US Patent No. 5,919,144 to Bridger et al. discloses an apparatus and method for measurement of intracranial pressure with lower frequencies of acoustic.

US Patent No. 6,544,198 to Chong et al. discloses a stethoscope system for self-examination using Internet.

US Patent No. 6,790,178 to Mault et al. discloses physiological monitor and associated computation, display, and communication unit.

US Patent Application Publication No. 2002/0091796 discloses a method and apparatus for transmitting data over a network using a docking device.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Towa whose telephone number is (571) 272-8758. The examiner can normally be reached on M-F, 8:00-16:30.

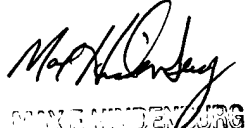
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone

Art Unit: 3736

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTT

  
MARK H. LINDSEY  
PATENT EXAMINER  
ELECTRONIC BUSINESS CENTER 9730